

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1933

Introduced by Assembly Member Brownley

(Principal coauthor: Senator Liu)

*(Coauthors: Assembly Members Ammiano, Carter, Gaines, Miller,
and Torlakson)*

February 17, 2010

An act to amend Section 48853.5 of the Education Code, relating to foster children.

LEGISLATIVE COUNSEL'S DIGEST

AB 1933, as amended, Brownley. Foster children: education.

Existing law requires a local educational agency, at the initial detention or placement or any subsequent change in placement of a foster child, to allow the foster child to continue his or her education in the school of origin, as defined, for the duration of the school year.

This bill would instead require a local educational agency to allow the foster child to continue at the school of origin at the foster child's initial detention, placement, or any subsequent change in placement for the duration of the jurisdiction of the court, and would require the local educational agency to allow the child to continue his or her education at that school of origin for the duration of the school year if the court's jurisdiction is terminated prior to the end of the academic year. The bill would specify other requirements for a foster child's placement in school when the foster child is transitioning between school grade levels, as specified. By requiring local educational agencies to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48853.5 of the Education Code is
2 amended to read:
3 48853.5. (a) This section applies to a ~~foster child~~ *child*
4 (*hereafter "foster child"*) who has been removed from his or her
5 home pursuant to Section 309 of the Welfare and Institutions Code,
6 is the subject of a petition filed under Section 300 or 602 of the
7 Welfare and Institutions Code, or has been removed from his or
8 her home and is the subject of a petition filed under Section 300
9 or 602 of the Welfare and Institutions Code.
10 (b) Each local educational agency shall designate a staff person
11 as the educational liaison for foster children. In a school district
12 that operates a foster children services program pursuant to Chapter
13 11.3 (commencing with Section 42920) of Part 24, the educational
14 liaison shall be affiliated with the local foster children services
15 program. The liaison shall do all of the following:
16 (1) Ensure and facilitate the proper educational placement,
17 enrollment in school, and checkout from school of foster children.
18 (2) Assist foster children when transferring from one school to
19 another or from one school district to another in ensuring proper
20 transfer of credits, records, and grades.
21 (c) This section does not grant authority to the educational
22 liaison that supersedes the authority granted under state and federal
23 law to a parent or guardian retaining educational rights, a
24 responsible adult appointed by the court to represent the child
25 pursuant to Section 361 or 726 of the Welfare and Institutions
26 Code, a surrogate parent, or a foster parent exercising the authority
27 granted under Section 56055. The role of the educational liaison

1 is advisory with respect to placement decisions and determination
2 of school of origin.

3 (d) (1) At the initial detention or placement, or any subsequent
4 change in placement of a foster child, the local educational agency
5 serving the foster child shall allow the foster child to continue his
6 or her education in the school of origin for the duration of the
7 jurisdiction of the court.

8 (2) If the jurisdiction of the court is terminated prior to the end
9 of an academic year, the child shall be allowed to continue his or
10 her education in the school of origin through the duration of the
11 academic school year.

12 (3) To ensure that the foster child has the benefit of matriculating
13 with his or her peers in accordance with the established feeder
14 patterns of school districts, if the child is transitioning between
15 school grade levels, the local educational agency shall allow the
16 child to continue in the school district of origin in the same
17 attendance area, or, if the child is transitioning to a middle school
18 or high school, and the school designated for matriculation is in
19 another school district, to the school designated for matriculation
20 in that school district.

21 (4) The liaison, in consultation with and the agreement of the
22 foster child and the person holding the right to make educational
23 decisions for the foster child may, in accordance with the foster
24 child's best interests, recommend that the foster child's right to
25 attend the school of origin be waived and the foster child be
26 enrolled in any public school that pupils living in the attendance
27 area in which the foster child resides are eligible to attend.

28 (5) Prior to making any recommendation to move a foster child
29 from his or her school of origin, the liaison shall provide the foster
30 child and the person holding the right to make educational decisions
31 for the foster child with a written explanation stating the basis for
32 the recommendation and how this recommendation serves the
33 foster child's best interest.

34 (6) (A) If the liaison in consultation with the foster child and
35 the person holding the right to make educational decisions for the
36 foster child agree that the best interests of the foster child would
37 best be served by his or her transfer to a school other than the
38 school of origin, the foster child shall immediately be enrolled in
39 the new school.

1 (B) The new school shall immediately enroll the foster child
2 even if the foster child has outstanding fees, fines, textbooks, or
3 other items or moneys due to the school last attended or is unable
4 to produce records or clothing normally required for enrollment,
5 such as previous academic records, medical records, proof of
6 residency, other documentation, or school uniforms.

7 (C) The liaison for the new school shall, within two business
8 days of the foster child's request for enrollment, contact the school
9 last attended by the foster child to obtain all academic and other
10 records. All required records shall be provided to the new school
11 regardless of any outstanding fees, fines, textbooks, or other items
12 or moneys owed to the school last attended. The school liaison for
13 the school last attended shall provide all records to the new school
14 within two business days of receiving the request.

15 (7) If a dispute arises regarding the request of a foster child to
16 remain in the school of origin, the foster child has the right to
17 remain in the school of origin pending resolution of the dispute.
18 The dispute shall be resolved in accordance with the existing
19 dispute resolution process available to any pupil served by the
20 local educational agency.

21 (8) The local educational agency and the county placing agency
22 are encouraged to collaborate to ensure maximum utilization of
23 available federal moneys, explore public-private partnerships, and
24 access any other funding sources to promote the well-being of
25 foster children through educational stability.

26 (e) For purposes of this section, "school of origin" means the
27 school that the foster child attended when permanently housed or
28 the school in which the foster child was last enrolled. If the school
29 the foster child attended when permanently housed is different
30 from the school in which the foster child was last enrolled, or if
31 there is some other school that the foster child attended with which
32 the foster child is connected and that the foster child attended
33 within the immediately preceding 15 months, the liaison, in
34 consultation with and the agreement of the foster child and the
35 person holding the right to make educational decisions for the
36 foster child, shall determine, in the best interests of the foster child,
37 the school that shall be deemed the school of origin.

38 (f) This section does not supersede other law governing the
39 educational placements in juvenile court schools, as described in

1 Section 48645.1, by the juvenile court under Section 602 of the
2 Welfare and Institutions Code.

3 SEC. 2. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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